GOVERNMENT OF INDIA
COMMERCE AND INDUSTRY
LOK SABHA

UNSTARRED QUESTION NO:7266
ANSWERED ON:12.05.2000
USA EMBARGO ON SHRIMP IMPORT
BASUDEB ACHARIA

Will the Minister of COMMERCE AND INDUSTRY be pleased to state:

(a) whether the USA embargo on import of shrimp from India is still in operation;

(b) if so, the reasons therefor;

(c) whether the USA has implemented the decision of the dispute settlement body of the W.T.O taken in the formal session held on November 6,1998;

(d) if so, the details thereof; and

(e) the steps taken by the Government to avert the USA embargo on shrimp import?

Answer

MINISTER OF COMMERCE & INDUSTRY (SHRI MURASOLI MARAN)

(a) to (e) A Statement is laid on the Table of the House.

STATEMENT REFERRED TO IN REPLY TO PARTS (A) TO (E) OF LOK SABHA UNSTARRED QUESTION NO.7266 ON U EMBARGO ON SHRIMP IMPORT BY SHRI BASUDEB ACHARIA TO BE ANSWERED ON 12.5.2000

India along with Malaysia, Thailand and Pakistan had filed a dispute against US regarding the ban imposed on imports of certain shrimps and shrimp products under section 609 of US Public Law under the provisions of Understanding on Rules and Procedures Governing the Settlement of Disputes (DSU).The Panel decided the case in favour of India.US appealed against the Panel`s findings. The Appellate Body, while ruling that section 609 was provisionally justified under Article XX of General Agreement on Tariffs and Trade (GATT) 1994, observed that this measure of US has been applied in a manner which constitutes an arbitrary and unjustifiable discrimination between the members of the WTO, contrary to the requirements of the chapeau of the Article XX of the GATT, 1994. The Panel and the Appellate Body report were adopted in the meeting of the Dispute Settlement Body (DSB) held on 6th November, 1998. It was jointly agreed that the Reasonable Period of Time (RPT) granted to US will be 13 months (the RPT commenced on 6th November, 1998 and to expire on 6th December, 1999) for implementing the rulings and recommendations of the DSB.

As regard the exports of shrimps to USA, it may be mentioned that exports of shrimps from India to USA are taking place on the basis of a certificate being given by Marine Products Export Development Authority (MPEDA) as prescribed by US Department of State. However, the shrimps harvested from the sea by vessels using mechanical means of net retrieval are not eligible to be exported to USA unless the vessels use Turtle Excluder Devices (TEDs). Government of India also constituted an Expert Scientific Panel (ESP) t conduct a detailed study on the distribution of sea turtles, their incidental mortalities in fishing nets and use of TED in fishing trawlers, etc. The report has since been made available and is being examined. As part of the process of implementation, the US`s Department of State has revised its guidelines for implementing Section 609. The revised guidelines, in accordance with the rulings and recommendations of the DSB are intended to
(i) introduce greater flexibility in considering the comparability of foreign programmes and the US programmes, which implies that US is willing to consider credible alternate programmes other than use of TEDs;
(ii) It has introduced transparency and application of due process in decision making procedures for certifying nations who will be eligible to export shrimps; and
(iii) It has expanded the list of the exempted harvesting methods. Further, US has taken initiative for having negotiations with an aim to arrive at an Agreement with the Governments of the Indian Ocean Region on the protection of the sea turtles in that region. US has also offered technical training in the design, construction, installation and operation of TEDs to any member country that requests it.